REMARKS

Claims 7, 9-18 and 20-23 are pending in the present application. Claims 9, 10, 18, 20 and 22 have been amended. These amendments add no new matter to the application. In view of the foregoing amendments and remarks that follow, Applicant requests favorable consideration and timely indication of allowance.

In the Office Action mailed 4/15/05, the Examiner objected to claim 15 under 37 CFR 1.75(c), rejected claims 7, 9, 11, 18 and 20-23 under 35 U.S.C. §102(e) as being anticipated by U.S. patent 5,958,018, Eng et al., rejected claims 12 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,473,413 B1, Chiou et al., rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Eng et al. in view of Chiou et al., and rejected claims 14-17 under 35 U.S.C. §103(a) as being unpatentable over Eng et al.

CLAIM 15

On page 2, paragraph 1, the Examiner objected to claim 15 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees with the Examiner's interpretation of claim 15. Claim 15 does further limit claim 14. It discloses that the control point is co-located not just with one of the network access points in the distributed data communication system, but with one of the two or more access points in communication with the remote user.

CLAIMS 7, 9, 11, 18 and 20-23

On page 2, paragraph 2, the Examiner rejected claims 7, 9, 11, 18 and 20-23 under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 5,958,018 ("Eng et al.").

CLAIMS 7 and 11

On page 3, paragraph 4, the Examiner states that Eng discloses all the features of claim 11 including "a plurality of network access points, each of said plurality of network access points being configured to communicate with at least two of said plurality of routers." The Examiner cites figure 1, element 10 and states "where each AP can communicate with all other APs and thus other routers. Applicant respectfully disagrees with the Examiner's interpretation of Eng. In column 5, lines 5 – 7, Eng states "the locate message may be broadcast to the APs in the network in a conventional manner." Clearly, Eng discloses broadcasting to APs in *only* one network, i.e., "the APs in the network." Routers are used to route packets between two or more networks. See William Stallings, "Data and Computer Communications", Prentice Hall, New Jersey, p. 328. Siince Eng does not disclose routers or communicating with at least two of said plurality of routers, Eng does not disclose all the features of claim 11. Since anticipation requires that all elements of a claim be disclosed in one reference, Eng does not anticipate claim 11.

On page 3, paragraph 4, the Examiner states that Eng discloses the features of claims 7 and 11 including "wherein each of the control points is configured to control communications between a remote user and at least two of said plurality of network access points." The Examiner cites col. 7, line 60 – col. 8, line 28 of Eng for support. Applicant respectfully disagrees with the Examiner's interpretation of claims 7 and 11. Col. 7, line 60 – col. 8, line 28 of Eng discloses only controlling MAC frames, i.e., controlling the flow of data. On the other hand, claims 7 and 11 disclose controlling communication and controlling at least two of said plurality of network access points. Support for this feature of claims 7 and 11 is found in paragraph [1032] of the specification. Since Eng does not disclose all the features of claims 7 and 11, claims 7 and 11 are patentable over Eng.

CLAIM 9

With respect to claim 9, the Examiner cites col. 8, lines 43-49 of Eng and states "whereby switching the cell to the appropriate node, the control point has effectively switched control to another control point." See On page 3, paragraph 5 of the Office Action. Applicant respectfully disagrees with the Examiner's interpretation of Eng. In col. 8, lines 43-49, Eng states that a "routing module reroutes the received [ATM] cells [or data] to its destination via node switch 27." Thus, data is switched or routed by node switch 27. However, control of the flow of data is not the control disclosed in claim 9. The control discussed in claim 9 is the control of the access points, not the control of the data. Since Eng does not disclose all the features of claim 9, claim 9 is patentable over Eng. Claim 9 has been amended to include all the features of cancelled claim 7.

CLAIM 22

On page 4, paragraph 6, the Examiner argues that claim 22 is anticipated by Eng because "figure 15, 'broadcasting' step allows the APs to communicate with all APs and thus their routers." Applicant respectfully disagrees with the Examiner's interpretation of Eng. In column 5, lines 5 – 7 of Eng, it states "the locate message may be broadcast to the APs in the network in a conventional manner." Clearly, Eng discloses broadcasting to APs in *only* one network, the APs in the network. As stated above, routers are used to route packets between two or more networks. See William Stallings, "Data and Computer Communications", Prentice Hall, New Jersey, p. 328. In Eng, the locate message may be broadcast to APs in one network. Thus, a router is not required. Therefore, Eng does not disclose "communicat[ing] with at least two of a plurality of routers" as disclosed in claim 22. Since anticipation requires that all elements of a claim be disclosed in one reference, Eng does not anticipate claim 22. Furthermore, claim 22 should be allowed because it depends on an allowable claim. Claim 22 has been amended to include all the features of cancelled claim 7.

CLAIM 23

On page 4, paragraph 7, the Examiner cites col. 7, lines 19-26 of Eng and states "whereby sending the home update message, the newly associated AP has effectively become the home agent of the mobile." The applicant respectfully disagrees with the Examiner's interpretation of claim 23. Col. 7, lines 21- 23 of Eng states "AP 21-3 sends a "home update" signaling message to AP 21-1 which, inter alia, (a) indicates that mobile m_2 is now associated with AP 21-3 . . ." On the other hand, the language of claim 23 does not state that a new access point becomes a new home agent of the mobile as stated by the Examiner. Instead, the language of claim 23 states that the "each of said plurality of home agent being associated with one of said plurality of routers." See also paragraph [1037] of the specification. This feature is not disclosed in Eng. Since Eng does not disclose all the features of claim 23, claim 23 is patentable over Eng. Furthermore, claim 23 should be allowed because it depends on allowable claim 22.

CLAIM 18

On page 4, paragraph 8, the Examiner argues that Eng discloses all the features of claim 18 including "the control point being co-located with a network access point different from said transmitting network access point." The Examiner cites figures 2 and 22 of Eng stating "where each AP has a control point co-located with it." The control point cited by the Examiner, program memory 25, controls the operation of modules 26 and 27 within the access processor 21. Column 7, lines 63-64 of Eng. Thus, it controls only the AP it is co-located with.

On the other hand, in claim 18, the control point controlling the transmitting network access point is not co-located with the transmitting network access point. Claim 18 has been amended to clarify this feature. Support for this feature is located in paragraph [1025] of the specification. "If desired, each control point may be configured to select a plurality of network access points to concurrently communicate with the user terminal. In this case, all of the selected network access points may be different from the control point's associated network

access point . . ." Since Eng does not disclose all the features of claim 18, claim 18 is patentable over Eng.

CLAIM 20

With respect to claim 20, the Examiner cites col. 8, lines 43-49 of Eng and states "whereby switching the cell to the appropriate node, the control point has effectively switched control to another control point." See page 4, paragraph 9 of the Office Action. Applicant respectfully disagrees with the Examiner's interpretation of Eng. In col. 8, lines 43-49, it states that a "routing module reroutes the received [ATM} cells [or data] to its destination via node switch 27." Thus, data is switched or routed by node switch 27. However, control of the flow of data is not the control disclosed in claim 20. The control discussed in claim 20 is the control of the access points, not the control of the flow of data. Claim 20 has been amended to clarify this point. Support for this amendment is found throughout the specification, and is found in particular, in paragraph [1033] of the specification. Since Eng does not disclose all the features of claim 20, claim 20 is patentable over Eng. Furthermore, claim 20 should be allowed because it depends on allowable claim 22.

CLAIMS 12 and 13

On page 5, paragraph 11, the Examiner rejected claims 12 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. patent no. 6,473,413 B1 Chiou et al.

The Examiner argues that "although Chiou has a filing date after the earliest priority date of the instant application, the subject matter of claims 12, 13, and 10 (as seen below) cannot claim the benefit of this priority because the subject matter is not disclosed in either of the priority documents." Applicant respectfully disagrees with the Examiner. Support for claims 12 and 13 is found in paragraphs [1028] and [1029], and Figure 4 of the present application. These paragraphs are found in column 4, lines 11-42 and Figure 4 of issued U.S. patent no. 6,215,779 B1, filed September 22, 1998, from which the present application claims

priority. Thus, claims 12 and 13 are not anticipated by Chiou because Chiou is not a valid 102(e) reference.

CLAIM 10

On page 6, paragraph 16, the Examiner rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Eng et al. in view of Chiou et al. As stated above with respect to claims 12 and 13, Chiou is not a valid 102(e) reference. Thus, claim 10 is patentable because Chiou can not be combined with Eng et al. Claim 10 has been amended to include all the features of cancelled claim 7.

CLAIMS 14-17

On page 7, paragraph 18, the Examiner rejected claims 14-17 under 35 U.S.C. §103(a) as being unpatentable over Eng et al. With respect to claim 14, the Examiner admits that "Eng explicitly lacks 'two or more' network access points receiving data for a user and transmitting from the 'two or more' access points to the user." The Examiner then concludes that because Eng discloses more than one access point, "it would have been obvious . . . to have two or more access points receiving . . . and . . . transmitting data because is strongly implied that what can happen to one access point can happen at all access points."

Applicant respectfully disagrees with the Examiner's interpretation of Claim 14. In claim 14, the two network access points are under the control of one control point. See paragraph [1025] of the specification: "If desired, each control point may be configured to select a plurality of network access points to concurrently communicate with the user terminal." On the other hand, in Eng each access point is under the control of a different control point or access processor, each access processor located at that access point. See col. 7, line 60 to col. 8, line 3 and Figure 22 of Eng. In fact, the Examiner states in paragraph 22 of the Office Action, "figures 2 and 22 where each AP has a control point co-located with it." Thus, Eng fails to disclose the control of two or more access point by the same control point. Furthermore, because the access points disclosed in Eng are controlled by different control

points, it is not "strongly implied that what can happen to one access point can happen at all access points" as stated by the Examiner. Therefore, since Eng fails to disclose all the features of claim 14, claim 14 is not obvious in light of Eng.

The arguments made above with respect to claim 14, also apply to claims 15, 16 and 17. Furthermore, since claims 15, 16 and 17 depend on an allowable claim, claims 15, 16 and 17 are also allowable.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 5/24/2005

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